

Appl. No. 10/664,560
Docket No. 9364
Amdt. dated September 9, 2009
Reply to Office Action mailed on June 12, 2009
Customer No. 27752

REMARKS

Claim Status

Claim 1 has been amended to define the claimed invention with greater specificity by reciting that at least a portion of the consumer accessible tab that is accessible to a consumer is more proximal to the tail end than the tail seal glue is to the tail end. Support for this amendment is found in the Specification, especially at page 3, lines 24-26.

Claims 1, 2, 10-12, 14, and 15 are pending in the present application. No additional claims fee is believed to be due.

It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Rejection Under 35 USC §103(a) Over U.S. Patent No. 3,960,272 and U.S. Patent No. 3,912,571

Claims 1-2, 10-12, and 14-15 are rejected by the Examiner under 35 USC §103(a) as allegedly defining obvious subject matter over U.S. Patent No. 3,960,272 to Hartbauer, et al. and U.S. Patent No. 3,912,571 to Hartbauer, et al. (collectively referred to as "Hartbauer") for reasons of record.

Applicants respectfully submit that Hartbauer fails to teach each and every element of Claim 1, the independent claim, as amended, because Hartbauer fails to teach that its multi-ply product comprises a portion of a consumer accessible tab that is accessible to a consumer is more proximal to the tail end than the tail seal glue is to the tail end. Applicants submit that the portion of Hartbauer's multi-ply product that the Examiner is referring to as Hartbauer's consumer accessible tab is not more proximal to the tail end than the tail seal glue is to the tail end. This is clear from Hartbauer's drawings. Accordingly, Applicants respectfully submit that Claim 1, as amended, is not rendered obvious over Hartbauer. MPEP 2143.03. Further, Applicants submit that Claims 2, 10-12, and 14-15, which ultimately depend from Claim 1, as amended, are not rendered obvious over Hartbauer. MPEP 2143.03.

Appl. No. 10/664,560
Docket No. 9364
Amdt. dated September 9, 2009
Reply to Office Action mailed on June 12, 2009
Customer No. 27752

Rejection Under 35 USC §103(a) Over U.S. Patent No. 3,960,272
and U.S. Patent No. 3,912,571 and further in view of U.S Patent No. 6,924,042

Claims 1-2, 10-12, and 14-15 are rejected by the Examiner under 35 USC §103(a) as allegedly defining obvious subject matter over Hartbauer, discussed above, and further in view of U.S Patent No. 6,924,042 B2 to Von Paleske, for reasons of record.

Applicants respectfully submit that Hartbauer in view of Von Paleske fails to teach each and every element of Claim 1, the independent claim, as amended, because Hartbauer in view of Von Paleske fails to teach that a multi-ply product that comprises a portion of a consumer accessible tab that is accessible to a consumer is more proximal to the tail end than the tail seal glue is to the tail end. Applicants submit that the portion of Hartbauer's multi-ply product that the Examiner is referring to as Hartbauer's consumer accessible tab is not more proximal to the tail end than the tail seal glue is to the tail end. This is clear from Hartbauer's drawings. Applicants submit that Von Paleske fails to overcome the deficiencies of Hartbauer. Accordingly, Applicants respectfully submit that Claim 1, as amended, is not rendered obvious over Hartbauer in view of Von Paleske. MPEP 2143.03. Further, Applicants submit that Claims 2, 10-12, and 14-15, which ultimately depend from Claim 1, as amended, are not rendered obvious over Hartbauer in view of Von Paleske. MPEP 2143.03.

Appl. No. 10/664,560
Docket No. 9364
Amdt. dated September 9, 2009
Reply to Office Action mailed on June 12, 2009
Customer No. 27752

Conclusion

This response represents an earnest effort to place the present application in proper form and to distinguish the invention as claimed from the applied reference(s). In view of the foregoing, entry of the amendment(s) presented herein, reconsideration of this application, and allowance of the pending claim(s) are respectfully requested.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By /C. Brant Cook/
Signature
C. Brant Cook
Registration No. 39,151
(513) 983-1004

Date: September 9, 2009
Customer No. 27752
(Amendment-Response to Office Action.doc)
Revised 02/09/2009